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THE UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Josephine Amatuucci

v.

Mullen, Laplante, INDIVIDUALLY

Ransmier & Spellman, Officially,

Stuart Chase, INDIVIDUALLY,

Docket 22-cv-547 LM

Town of Wofeboro, OFFICIALLY

JURY TRIAL DEMANDED IMMEDIATELY

JUDGMENT AS A MATTER OF LAW

SUMMARY JUDGMENT

1. This event occurred on May 7, 2014. NINE years ago when the Plaintiff was arrested and PROSECUTED for the offenses of speeding and disobeying a police officer,

A SET UP

2. A trial was held and The Plaintiff was found..... NOT GUILTY..... of speeding by the trial court Judge James Patten, who noted in his ORDER AFTER THE TRIAL that the officer who accused the Plaintiff of speeding was shown to be advising DISPATCH that he was 'attempting to stop her' on Center Street. After he was advised by DISPATCH to be on the lookout for her, and was given the description of her car. Where the trial court Judge Patten stated,

" Clearly the implication of the exchange between the officer and DISPATCH is that the officer knew that the vehicle he observed was the defendant and he was GOING TO TRY TO STOP HER."

Regarding the conviction by Judge Patten at the trial, see the evidence where I asked Judge Patten to remove the conviction on May 4, 2016, and he recused himself on June 16, 2016, so that he would not admit he committed FRAUD.

THE PLAINTIFF'S LAWSUIT

3. The Plaintiff filed a lawsuit for the..... UNLAWFUL PROSECUTION FOR SPEEDING and DISOBEYING A POLICE OFFICER offenses, of which she was accused of by the police, the lawsuit not based on the fact that she was STOPPED.....for SPEEDING, but for the unlawful PROSECUTION for Speeding, where Speeding is not a crime in New Hampshire. A Fourth Amendment violation when she was detained of her liberty when responding to the offenses by the police at trial.

4. At trial she was found NOT GUILTY of Speeding by the trial court Judge.

A CROSS SUMMARY JUDGMENT HEARING

5. She was incarcerated for the offenses of speeding and disobeying a police officer, and a cross summary judgment hearing between defendant Mullen and the Plaintiff was held in the United States District Court On December 27, 2018 under case number 1:17-cv-00237 JL- by Judge Joseph Laplante.

6. Judge Laplante allowed defendant Mullen summary judgment based on the FRAUDULENT MISREPRESENTATION of the Plaintiff's version of events. Fraud between the parties where the impartial functions of the court have been directed corrupted. Case of Bulloch v. United States 763 F.2d 1115, 1121 (10th Cir. 1985). Kenner v. C.I., R. Mercury v. Madison, 1 Canch 137 (1803).

7. The Plaintiff's lawsuit was based entirely on the unlawful PROSECUTION for Speeding, where speeding is NOT A CRIME IN NEW HAMPSHIRE, however, Judge Laplante FRAUDULENTLY allowed Mullen's summary judgment when both Mullen and

Judge Laplante stated that there was NO EVIDENCE in the files, or in the record that the Plaintiff was prosecuted for speeding, both insisting that the prosecution was only for the disobeying a police officer offense.

FRAUD ON/UPON THE COURT

8. The Supreme Court in the case of Takhar v. Gracefield Developments held March 20, 2019 contained the competing principles of finality of litigation and stated that

"FRAUD UNRAVELS ALL". Before Mullen and Laplante, in the files, in the record, there was an AFFIDAVIT filed by defendant Stuart Chase, UNDER OATH, where Chase stated UNDER OATH that the Plaintiff was PROSECUTED FOR BOTH SPEEDING AND DISOBEYING A POLICE OFFICER. That defendants Laplante and Mullen knew or SHOULD HAVE KNOWN of this Affidavit filed in the record and case file. Fraud vitates every transaction every transaction into which it enters. The people of the State of Illinois v. Freed E. Sterling, Allen F. Moore v. Stanley f. Sievers, in re Village of Willowbrook, and Dunham v. Dunham.

9. A GENUINE ISSUE, of material fact for allowing the Plaintiff's Summary Judgment. which was FRAUDULENTLY denied by Mullen and Laplante, in an Abuse of Process, an improper use of process. A malpractice. To further prove FRAUD, see evidence of page 75 and 76 of the.....TRANSCRIPT.....of the hearing for the cross summary judgments where Judge Laplante removes the rest of his sentence in the Transcript where he states and ADMITS that the Plaintiff was INDEED PROSECUTED FOR SPEEDING. He doesn't want this evidence in the files, so that the Plaintiff cannot appeal this issue.

10. The Plaintiff's lawsuit was based on a violation of the United States Constitution in violation of the Fourth Amendment, of an unlawful seizure of her LIBERTY RIGHTS, where there was NO PROBABLE CAUSE for the Prosecution for speeding, , and where the unlawful detainment of a person's LIBERTY RIGHTS it is CLEARLY ESTABLISHED. Where any

decision or any OPINION or any REPORT by a Magistrate or a judge will not/does not cannot OVERRIDE THE rights allowed under the FEDERAL CONSTITUTION, of the LAW OF THE LAND.

A VIOLATION OF THE SIXTH AMENDMENT SPEEDY TRIAL

11. The Plaintiff was arrested and incarcerated on May 7, 2014 and a violation of the Sixth Amendment Speedy Trial Clause, where the trial was held beyond the 70-90 days allowed to hold a trial. Therefore the rulings of the trial court judge, the Conviction at the trial for disobeying a police officer, is VOID of no legal force and must be reversed. Therefore Judge Laplante where based on the trial held by Judge Patten, are VOID OF NO LEGAL FORCE.

DISOBEYING A POLICE OFFICE

12. In New Hampshire you do not go to jail for the offense of disobeying a police officer. this was a KIDNAPPING, unless there is violence or a car accident is involved.

A MONELL CLAIM

13. Under Monell when a policymaking official, police chief chase, and the prosecutor Mr. Morgan, violate the persons Constitutional rights, for the unlawful PROSECUTION for speeding, there is liability to the Town of Wolfeboro, OFFICIALLY. The Plaintiff very recently filed with the Selectman and the commissioner and the town manager a cause and connection between the defendants and the police misconduct, when the Selectman, commissioner, and town manger continuously refused to investigate and discipline police misconduct. The evidence was in the amount of 30 incidents as evidence of a de facto policy by the defendants. The Plaintiff will produce these 30 or more pages for the court if necessary of the de facto police evidence.

That is contrary what Mullen and Laplante state on page 19 of the hearing of the cross summary judgments, there certainly is a MONELL CLAIM based on the de facto policy custom of the defendants.

JUDGMENT AS A MATTER OF LAW

CITING RSA SECTION 491:8-a

14. The Summary Judgment standard is warranted if the movant present a genuine issue of material fact as to any material fact and reflect's the :

"Movant's entitlement to.....JUDGMENT AS A MATTER OF LAW

A Summry Judgment issue is "genuine " if the EVIDENCE would enable a reasonable factfinder to decied the issue in favor of the movant. Citing New Hampshire Section 491:8-a Motions for Summary Judgment, it states

111 "Summary Judgment SHALL BE RENDERED if the pleadings, depositions, answers to interrogatories, and admissions.....ON FILE, TOGETHER WITH AFFIDAVITS FILED, show there is a genuine issue as to any material fact, and that the moving party is ENTITLED TO JUDGMENT AS AMATTER OF LAW."

15. On file in the court records before the issuing judge Laplant and before defendant Mullen, was filed an Affidavit given UNDER OATH..... by the defendant former Police Chief Stuart Chase, dated July 24, 2018, where Chase is admitting that the Plaintiff wasPROSECUTEDfor speeding. Therefore when Laplante and Mullen stated that she was NOT PROSECUTED for speeding they were committing FRAUD ON/UPON THE COURT. There is NO IMMUNITY for anyone when there is a violation of the United States Constitution, there is no immunity for judge Laplante acting as an individual, and not as a judge, when he lost all jurisdiction to hear the case under FRAUD.

16. FRAUD removed the jurisdiction of Judge laplante to allow Mullen summary judgment, and under FRAUD Laplante's rulings allowing Mullen summary

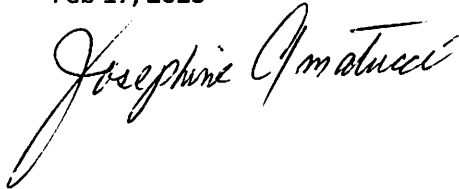
judgment areVOID OF NO LEGAL FORCE

17. Under Fraud, and when there is a violation of the Constitution, there is no Res Judicata, no Collateral Estoppel and no Statute of Limitations, Fraud is NEVER FINAL.

WHEREFORE: Under her right for JUDGMENT AS A MATTER OF LAW, the Plaintiff is asking for a jury trial for damages as allowed under 1983, for her unlawful malicious prosecuton for both the speeding and disobeying a police officer offenses, for her unlawful detainment during an unlawful trial which was a violation of the Speedy Trial Clause, especially for the elderly, as the Plaintiff is an elderly person, damages against the Town, against Chase individually, and for a Fraud claim against Mullen and Judge Joseph Laplante. Of serious mental anguish of the Plaintiff. If there is no jurisdiction, there is no discretion Piper v. Pearson, 2 Gray 120 cited in Badley v. Fisher 13 Wall. 335, 20 L.Ed. 646 (1872). A judge is not immune for acts committed in a purely non-judicial capacity. Stump v. Sparkman, where he knew or SHOULD HAVE KNOWN of the Affidavit filed by Stuart Chase. His judgments are not VOIDABLE, but simply VOID. And form no bar (no restriction) to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification, and all persons concerned in executing such judgments.

c. all defendants, town, mullen, laplante ransmeier & spellman, Chase

Feb 17, 2023

A handwritten signature in cursive script, reading "Josephine Amatucci". The signature is written in black ink and is positioned below the date "Feb 17, 2023".

FROM: J. Amato
P.O. Box 272
Wolfeboro Falls N.H. 03896



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